

FILED
for Roanoke
DEC 17 2010

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TERENCE T. HARRINGTON,)	Civil Action No. 7:10-cv-00270
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
WARDEN DIGGS,)	By: Hon. Jackson L. Kiser
Respondent.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that the respondent's motion to dismiss is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 17th day of December, 2010.

[Signature: Jackson L. Kiser]
Senior United States District Judge